

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

October 10, 1995
AO-95-35

William R. Delaney, President
The Massachusetts Association of Professional Lobbyists
P.O. Box 2795
Boston, MA 02208

Re: "Bundling" of campaign contributions by legislative agents
and contributions by legislative agents and spouses of
legislative agents

Dear Mr. Delaney:

This letter is in response to your August 24, 1995 request for an advisory opinion regarding the effect of the campaign finance law, as amended by chapters 43 and 292 of the Acts of 1994, on legislative agents. In particular, your questions relate to "bundling" of campaign contributions by legislative agents and the making of contributions by spouses of legislative agents.

"Bundling" is the practice of gathering a number of contributions from different persons and delivering the contributions to a candidate or candidate's political committee, or arranging for their delivery in a manner that identifies in writing who arranged for the making of the contributions. Chapters 43 and 292 of the Acts of 1994 amended the campaign finance law to include new restrictions on bundling. See M.G.L. c. 55, s. 10A. Section 10A regulates bundling only if contributions, one of which is greater than \$100.00, are made "through" certain persons, whom this office refers to as "regulated intermediaries." See M-95-05 and AO-95-06 for a comprehensive discussion of the restrictions established by section 10A.

I will address each of your questions separately.

1. "A legislative agent delivers ten checks, one from each of nine different PACs, and one written by the agent. None of the checks exceeds \$100. Is there a violation?"

No. Since none of the contributions exceed \$100, the bundling provisions would not be applicable. Therefore, the legislative agent, one of the regulated intermediaries, would not be treated as making the nine PAC contributions and would not be required to report the original source of the contributions to this office in accordance with section 10A.

2. "A legislative agent is a PAC officer. He receives five different requests from the same legislator to attend five different fundraising events in a single calendar year. The agent attends four of the five events, each time bringing with him a \$100 check, two of which were written on the agent's personal account and two were written on the PAC account. Is there a violation?"

No. Contributions made by a legislative agent from the agent's personal account are not made "through" the legislative agent. Similarly, PAC contributions delivered by an officer of the PAC are not "bundled" contributions subject to section 10A. See AO-95-17.

3. "May the spouse of a legislative agent contribute \$500 to a particular candidate?"

Yes. The spouse of a legislative agent would generally be subject to the \$500 limitation on contributions to candidates by individuals other than legislative or executive agents. See M.G.L. c. 55, s. 7A.

You should note, however, that section 10A regulates not only legislative agents but also any "officer, employee or agent of such legislative agent . . . acting in its behalf" which by statute is defined to include "using the name or resources of a [legislative agent]." See M.G.L. c. 55, s. 10A(c)(2). Therefore, if a spouse, who is not otherwise a regulated intermediary, is an employee or agent of the legislative agent and is also acting in the agent's behalf the spouse would be a regulated intermediary subject to the provisions of section 10A. Both conditions must be met. For example, even if the spouse is such an employee or agent, if the spouse is not also acting in behalf of the agent, the spouse would not be subject to section 10A's limitations.

4. "May the spouse of a legislative agent make a contribution from a checking account jointly held by the spouse and the agent?"

Yes. Regulations issued by this office establish a presumption that if the spouse signs a check, the spouse is the true contributor of the funds. See 970 CMR 1.04, which states that a contribution made by a check which reflects a joint checking account of two individuals "shall be presumed to be from the individual whose signature appears on the check, unless any other information is provided, in writing, by either individual whose names appear on the check, that the true contributor(s) is different than the signature that appears on the check."

5. "May an agent and his spouse make contributions to a particular candidate from the same joint checking account if the contributions together exceed \$200?"

Yes. Since a legislative agent's spouse may generally contribute \$500 during a calendar year to a candidate, the

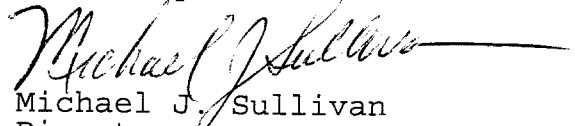
William R. Delaney
October 10, 1995
Page 3

total which could be contributed by the agent and the agent's spouse would be \$700, provided that the total contribution is apportioned in accordance with law.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Should you have any additional questions, please do not hesitate to contact this office.

Sincerely,


Michael J. Sullivan
Director

MJS/cp